

In re Appln. of Gendler et al.  
Application No. 10/679,234


The Office Action sets forth a restriction requirement. Applicants elect, with traverse, Group I, claims 1-10, for further prosecution.

Applicants respectfully submit there would be no serious burden on the Examiner to examine all of the pending claims together. All of the claims are directed to a matrix with human undifferentiated cells which can be stimulated to differentiate into cartilage and bone cells. Accordingly, it is likely that only a single search will be needed. Further, if three separate searches are done directed individually to the Group I-III claims, it is likely that there would be extensive overlap of the results of the three searches. Thus, the Examiner should be able to examine all of the claims together without a serious burden resulting. In view of the foregoing, Applicants respectfully request that the restriction requirement should be withdrawn.

The claims of Groups I-III are related as product, process of making and process of use. Should the elected claims be found to be allowable it is likely that the non-elected claims will be eligible for rejoinder. For example, the limitations of the Group II claims, particularly claim 11, are present in or result from the satisfaction of the limitations recited by claim 1. Similarly, claim 32 is also eligible for rejoinder.

If, in the opinion of the examiner, a telephone conference would expedite the prosecution of the application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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